

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:12-cr-00097-MOC

UNITED STATES OF AMERICA,)
)
)
)
Vs.)
)
LAVONTE LAMONT HALLMAN,) ORDER
)
)
Defendant(s).)

THIS MATTER is before the court on defendant's letters (#s 66 & 67) , in which he contends, despite his conviction, that the federal courts do not have jurisdiction over *Hobbs Act* robberies. First, defendant needs to be aware that such pro se motions when represented by counsel are not permitted, L.Cr.R. 47.1 (H), and are in any event unwise as they may be used against him by the government at sentencing.

The purpose behind Rule 47.1(H) is not simply to reduce frivolous filings, but to protect criminal litigants from making uncounseled filings that could be used against them. Here, defendant has obviously been listening to jail-house lawyers rather than his experienced attorney, who have misadvised him on the broad jurisdiction of the United States under the *Hobbs Act*. Indeed, the government's jurisdictional burden under the *Hobbs Act* is "not great," as the Act manifests a congressional purpose to use all of its constitutional commerce power; therefore, "the government need only show a minimal effect on interstate commerce to sustain jurisdiction under the Hobbs Act." United States v. Alexander, 850 F.2d 1500, 1503 (11th Cir.1988), *cert. denied sub nom, Grider v. United States*, 489 U.S. 1068 (1989). Thus, all that defendant has

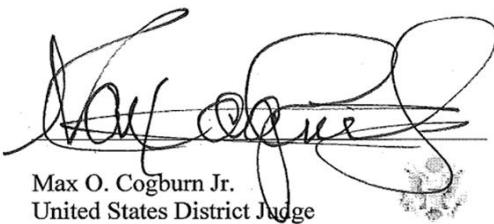
accomplished in filing the instant, uncounseled letters is to give the government fodder for arguing against defendant's Motion for Downward Departure at sentencing.

Defendant is strongly advised to discuss his case only with his attorney and have his attorney make any filings that they both deem to be appropriate.

ORDER

IT IS, THEREFORE, ORDERED that defendant's letters (#s 66 & 67), to the extent they seek relief, are **DENIED**.

Signed: April 15, 2013



The image shows a handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.". Below the signature, there is a small, faint, circular official seal or stamp.

Max O. Cogburn Jr.
United States District Judge